



Public Notice

Applicant:

Date:

Kevin & Joyce Shaw, Published: April 28, 2004
Gary Johnson, and Expires: May 27, 2004
Brenda Ashley

**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District **CELRB-TD-R RE: 2004-01043(0)** **Section: OH 10 and 404**

**Application for Permit under Authority of
Section 10 of the Rivers and Harbors Act of 1899 and
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Kevin & Joyce Shaw, Gary Johnson, and Brenda Ashley, mailing address: 2239 Elandon, Cleveland Heights, Ohio, 44106, have requested a Department of the Army permit to construct a revetment and a groin, and prefill an area with sand in Lake Erie, at 7479 Lake Road East, in Madison Township, Lake County, Ohio.

Under D.A. No. 73-477-10(0) issued to a previous owner, Edgar F. Miller, the installation of a concrete retaining wall was authorized, in conjunction with three adjacent property owners (Frey and Leer Realty Company). See the seawall relic notation on Sheet 2 of 5.

The project consists of the following:

- a. The construction of an approximately 99-foot long armor stone revetment along the shoreline. Concrete rubble will be relocated from the lake bottom and placed over a new filter fabric on the stiff clay slope on a 2:1 slope. The revetment will be keyed in to the lake bottom with new 6-8 ton armor stone, and new 3-5 ton armor stone will be placed over the rubble to a top elevation of 583.0 feet International Great Lakes Datum (IGLD), 1985.
- b. The construction of an approximately 50-foot long armor stone groin located perpendicular to the shoreline and at the east end of the property (immediately west of a creek outlet). The lake bottom will be excavated prior to the installation of the groin with an approximately 12-foot wide base width, side slopes of 1.5:1, a top width of 5 feet, and a top elevation of 573.0 IGLD, 1985.
- c. The prefilling of the area immediately west of the groin with 50 cubic yards of sand.
- d. Concerning work below the ordinary high water elevation of 573.4 feet IGLD, 1985, approximately 100 cubic yards of concrete rubble will be removed and placed upland, 40 cubic yards of concrete rubble will be relocated, and 180 cubic yards of 3-5 ton armor stone will be placed.

The stated purpose of the project is to provide shoreline protection and retain a sand beach in the existing cove area.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Elizabeth W. Stone, who can be contacted by calling (716) 879-4363, or by e-mail at: elizabeth.w.stone@usace.army.mil

The applicant has certified that the proposed activity complies with Ohio's approved Coastal Zone Management Program and will be conducted in a manner consistent with that program. Any comments on the consistency of the proposed activity with Ohio's Coastal Zone Management Program should be forwarded to:

Ms. Mindy Bankey
Ohio Department of Natural Resources
Consistency Coordinator
Office of Legislative Services
1930 Belcher Drive, Bldg D-3
Columbus, Ohio 43224-1387
Telephone (614) 265-6836
FAX (614) 261-9601
e-mail: mindy.bankey@dnr.state.oh.us

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the Ohio Environmental Protection Agency.

Based on preliminary findings, there do not appear to be any properties listed in, or eligible for listing in, the National Register of Historic Places within the Permit Area as shown on Sheet 3 of 5. This notice constitutes initiation of consultation with the Ohio Historic Preservation Office (SHPO) per Section 106 of the National Historic Preservation Act. All currently available historic resource information pertaining to this proposed project, if any, has been provided to the SHPO. Additional information concerning historic properties should be submitted to the Corps before the end of the comment period of this notice. The Corps will forward that information to the SHPO for their review.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, and should be marked to the attention of Elizabeth W. Stone, or by e-mail at: elizabeth.w.stone@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a

hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

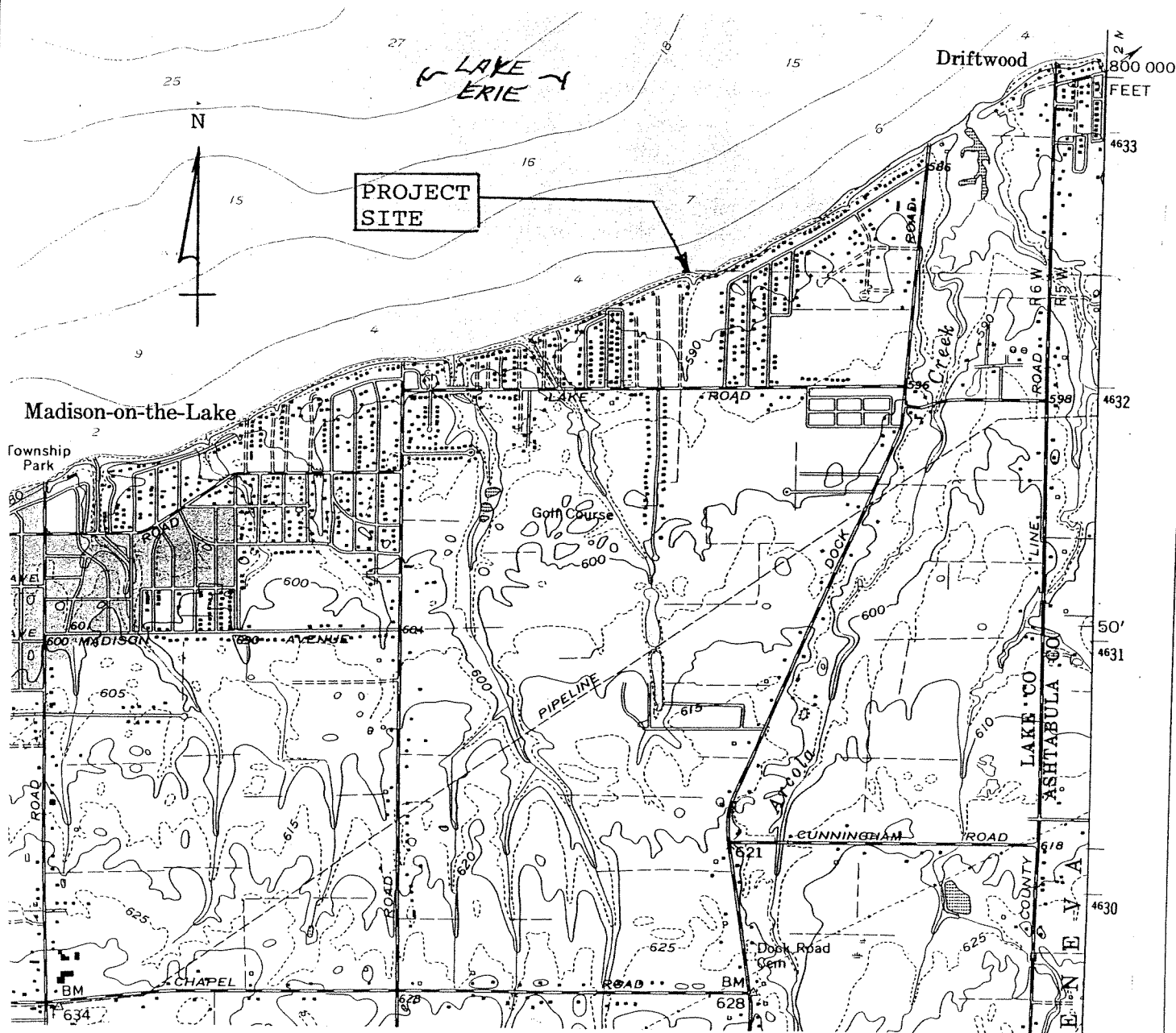
The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SIGNED

Philip D. Frapwell
Acting Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.



SHAW, JOHNSON, & ASHLEY
 D/A Processing No. 2004-01043(0)
 Lake County, Ohio Quad: MADISON
 Sheet 1 of 5 LOCATION MAP

DATUM: 0.0 L.W.D. = 569.2 FT. I.G.L.D. 1985

VICINITY MAP

PREPARED BY:

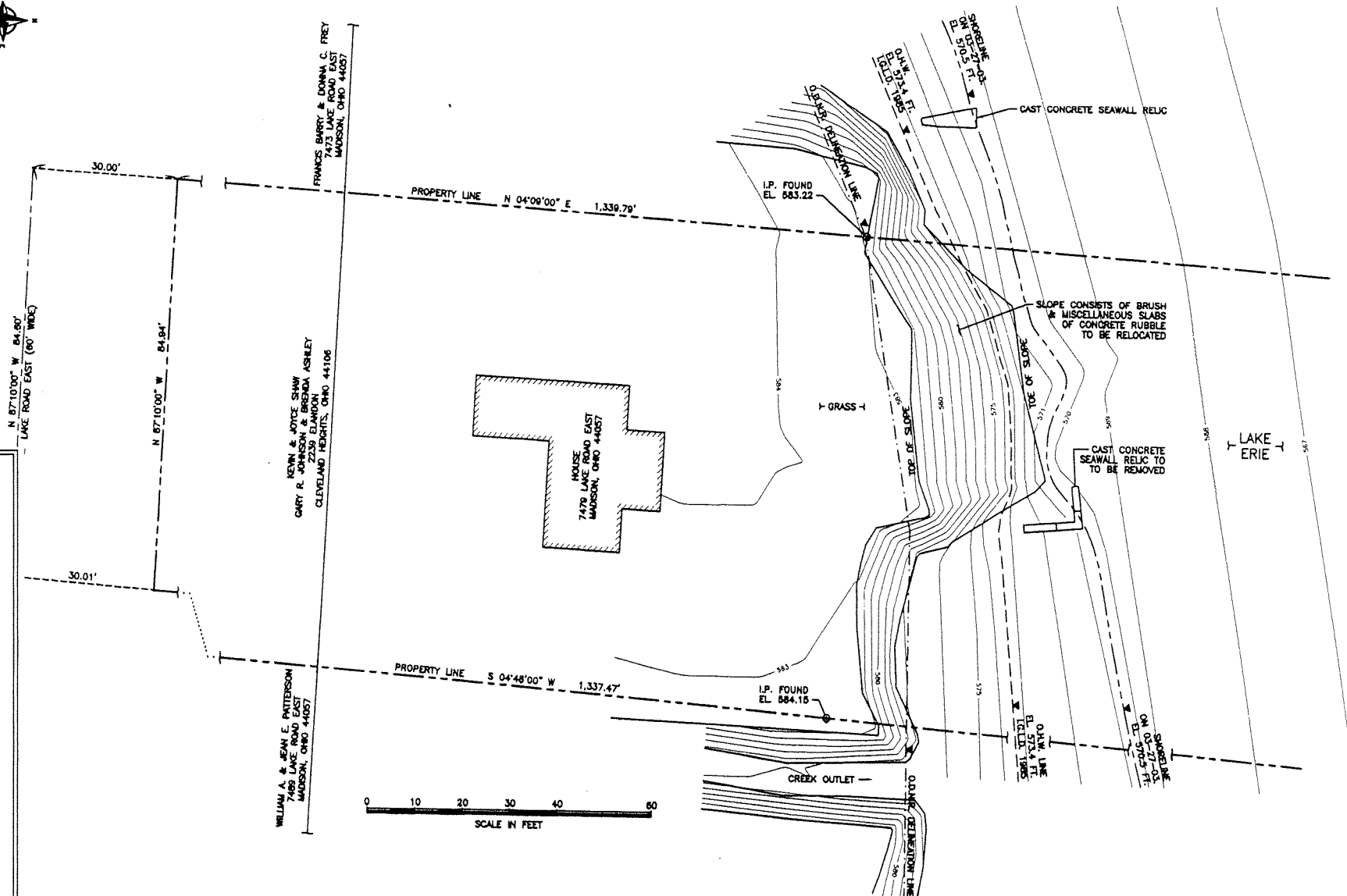
MATRIX ENGINEERING, INC.

- ADJACENT PROPERTY OWNERS:
- 1.) WILLIAM A. & JEAN E. PATTERSON
 - 2.) FRANCIS BARRY & DONNA C. FREY

KEVIN & JOYCE SHAW, GARY R.
 JOHNSON & BRENDA ASHLEY
 2239 ELANDON
 CLEVELAND HTS., OHIO 44106

SHORELINE IMPROVEMENTS AT
 7479 LAKE ROAD EAST
 MADISON, OHIO

SHEET 1 OF 5 02-04-04



M: 0.0 L.W.D. = 569.2 FT. I.G.L.D. 1985

ADJACENT PROPERTY OWNERS:

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- 2.) FRANCIS BARRY & DONNA C. FREY

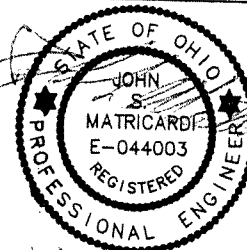
KEVIN & JOYCE SHAW, GARY R.
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2239 ELANDON
CLEVELAND HTS., OHIO 44106

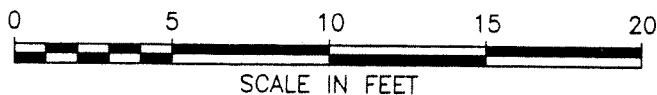
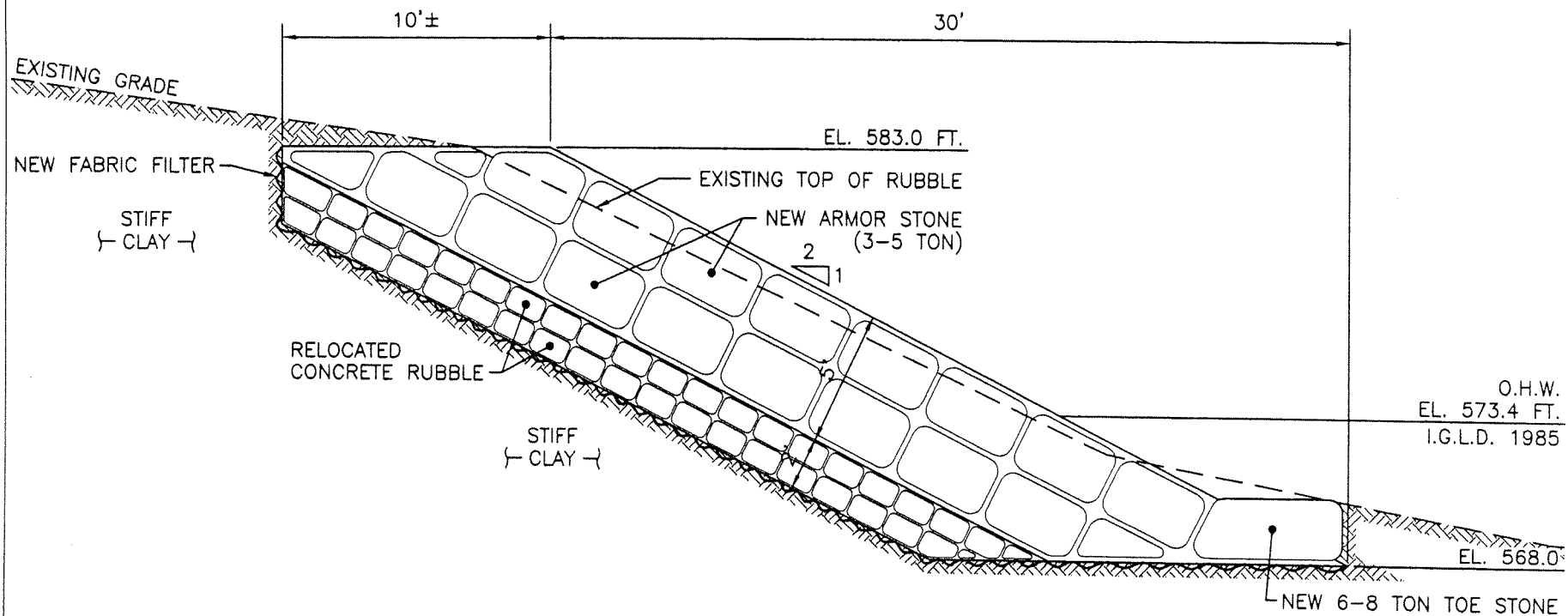
PREPARED BY:

MATRIX ENGINEERING, INC.

SHORELINE IMPROVEMENTS AT
7479 LAKE ROAD EAST
MADISON, OHIO

SHEET 2 OF 5	REV. DATE: 01-30-04
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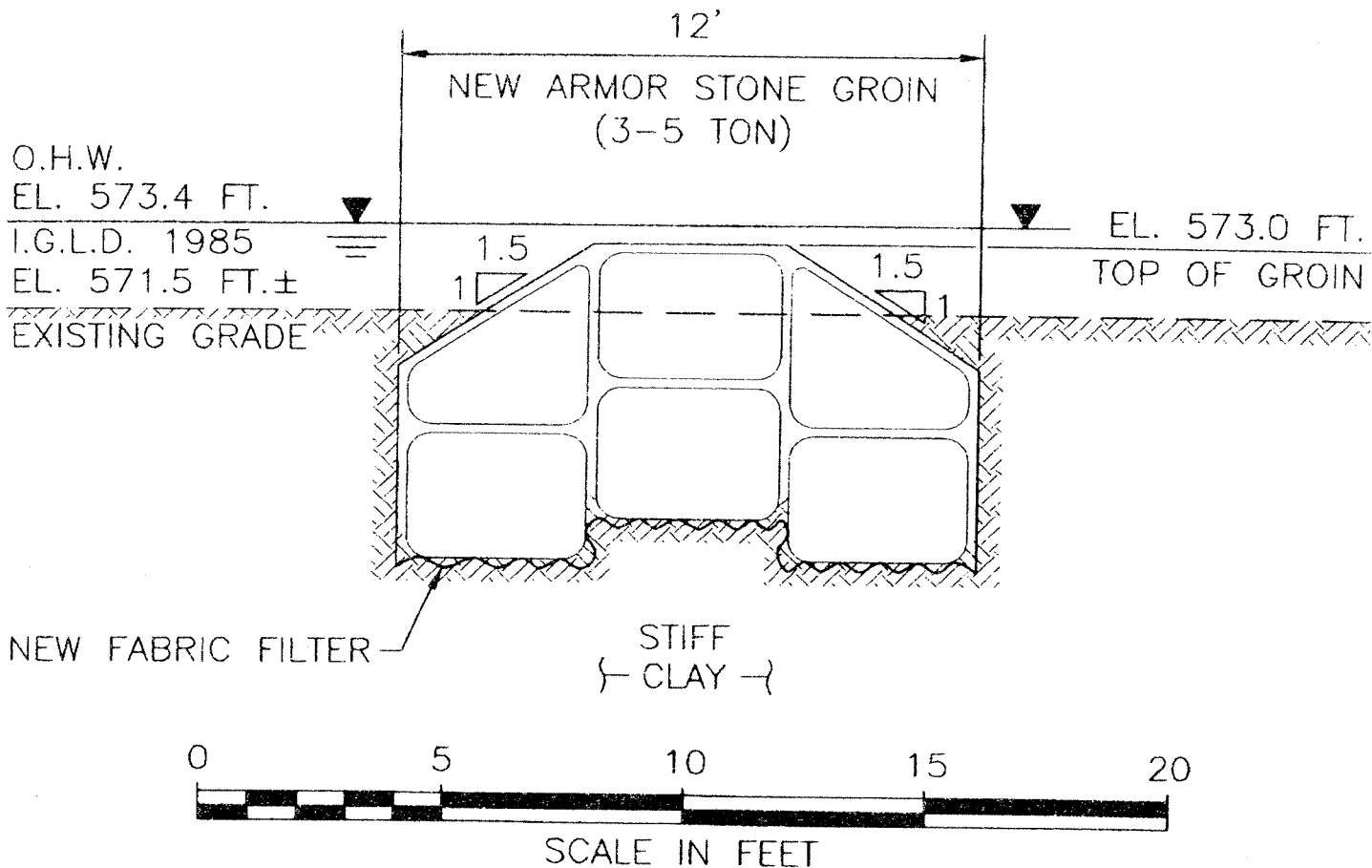




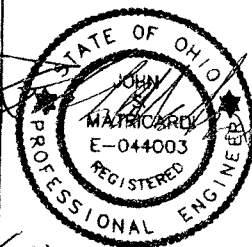
SHAW, JOHNSON, & ASHLEY
 D/A Processing No. 2004-01043(0)
 Lake County, Ohio Quad: MADISON
 Sheet 4 of 5 REVETMENT SECTION

DATUM: 0.0 L.W.D. = 569.2 FT. I.G.L.D. 1985	SECTION A-A	PREPARED BY: MATRIX ENGINEERING, INC.	
ADJACENT PROPERTY OWNERS: 1.) WILLIAM A. & JEAN E. PATTERSON 2.) FRANCIS BARRY & DONNA C. FREY	KEVIN & JOYCE SHAW, GARY R. JOHNSON & BRENDA ASHLEY 2239 ELANDON CLEVELAND HTS., OHIO 44106	SHORELINE IMPROVEMENTS AT 7479 LAKE ROAD EAST MADISON, OHIO	
		SHEET 4 OF 5	REV. DATE: 01-30-04

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SHAW, JOHNSON, AND ASHLEY
D/A Processing No. 2004-01043(0)
Lake County, Ohio Quad: MADISON
Sheet 5 of 5 GROIN X-SECTION



DATUM: 0.0 L.W.D. = 569.2 FT. I.G.L.D. 1985

SECTION B-B

Prepared by:
MATRIX ENGINEERING, INC.

- 1.) WILLIAM A. & JEAN E. PATTERSON
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SHEET 5 OF 5 02-04-04